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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROMAL KHAIR,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES
OF AMERICA,

Respondent.

Case No. 2:18-cv-01502-APG-PAL

ORDER

Petitioner has filed a habeas petition under 28 U.S.C. § 2241 without properly commencing the action by paying the filing fee or filing a complete pauper application. LSR 1-1 & 1-2. In addition, petitioner has not filed his petition on this court's form for § 2241 petitions, as required. LSR 3-1.

It does not appear that a dismissal without prejudice would cause substantial prejudice. Accordingly, this improperly commenced action will be dismissed without prejudice.¹

¹ The Court notes that although petitioner captioned his petition for the Court of Appeals and invokes that court's jurisdiction therein, he is explicitly challenging his continued detention following issuance of a final order of removal and not, it appears, the final order of removal itself. The Court therefore sees no reason to transfer the petition to the Court of Appeals. To the extent petitioner is seeking to challenge the final order of removal, he shall file a petition in the first instance with the Ninth Circuit Court of Appeals and not with this district court.

1 It therefore is ordered that this action shall be dismissed without prejudice. Petitioner shall
2 file any new petition, and either pay the filing or fee or submit a complete pauper application, in a
3 new action only, and shall not file any more documents in this case.

4 It further is ordered that a certificate of appealability is denied. Jurists of reason would not
5 find debatable whether the Court was correct in its dismissal of the action without prejudice on
6 procedural grounds, for the reasons discussed herein.

7 It further is ordered, pursuant to Rule 4 of the Rules Governing Section 2254 Cases, that
8 the Clerk shall make informal electronic service upon respondents by adding Nevada Attorney
9 General Adam P. Laxalt as counsel for respondents and directing a notice of electronic filing of
10 this order to his office. No response is required from respondents other than to respond to any
11 orders of a reviewing court.

12 The Clerk of Court shall send petitioner a copy of his papers in this action, along with two
13 copies each of the forms and instructions for an inmate pauper application and § 2241 habeas
14 petition.

15 The Clerk of Court shall enter final judgment accordingly, dismissing this action without
16 prejudice.

17 IT IS SO ORDERED.

18 Dated: August 21, 2018.

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22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE
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